

4.6. **Monitoring Harvest under Interim Threshold Procedures.** The Tribes shall require that Tribal members report harvests using Impoundment Nets or Long Seines under these Interim Threshold Level Procedures as a condition of receiving a permit. The Tribes shall provide an annual summary of these harvest reports to the State and all Tribes by January 31 of the year following the harvests, or by such other date as may be mutually agreed upon by the State and the Tribes. This annual summary shall include the number of permits issued and the total number of fish harvested by species, gear type, and Tribe for each Non-Walleye Lake System.

4.7. **Monitoring Fishing Activity under Interim Threshold Level Procedures.** The Tribes shall monitor Fishing activity by Tribal members using Impoundment Nets or Long Seines under Interim Threshold Level Procedures as necessary to ensure compliance with Tribal fishing regulations and Tribal permits. The Tribes shall use professional biological or law enforcement personnel when monitoring of Fishing activity is deemed necessary under this Paragraph. If violations are detected, they shall be handled in accordance with law enforcement procedures described in Section XXIV (Law Enforcement) of the Decree.

4.8 **Future Changes to Interim Threshold Level Procedures.** The State and the Tribes may modify these Interim Threshold Level Procedures by mutual agreement. Requests for such a modification, including the supporting biological documentation and the duration of the proposed change, shall be submitted in writing to the State and all Tribes by July 1 of the year preceding the effective date of the proposed modification, or by such other date as may be mutually agreed upon by the State and the Tribes. Requests for a modification to Interim Threshold Level Procedures shall be reviewed by State and Tribal biologists to ensure that the modification will protect the fish species in the affected Non-Walleye Lake System and complies

with the objectives and rules of this Protocol. The Tribes and the State shall declare whether or not they agree with a requested modification to Interim Threshold Level Procedures for a Non-Walleye Lake System by December 15 of the year the request was received. If the Tribes and the State agree to change Interim Threshold Level Procedures, the new procedures shall be recorded and shall be used for the particular Non-Walleye Lake System(s) for which it was proposed for the agreed-upon duration or until changed by the State and the Tribes under this Paragraph.

## V. ALLOCATION-BASED PROCEDURES

If one or more Tribes desires to authorize Fishing Effort in excess of the limitations set forth under Section IV of this Protocol, the Tribes and the State shall develop Allocation-Based Procedures to prevent the combined harvest by State and Tribal fishers from exceeding a mutually acceptable harvest level for any species. The primary goal of Allocation-Based Procedures is to protect fish populations from Overfishing so that fishery resources are maintained in a healthy condition for the benefit of all current and future State and Tribal users, while at the same time providing the Tribes and the State with flexibility in managing the Fishing activity of Tribal and State fishers. Under such Allocation-Based Procedures, the Tribes may declare their intent to authorize the use of Impoundment Nets and/or Long Seines to harvest up to 50% of the mutually acceptable harvest levels for any species in a Non-Walleye Lake System, less a reasonable estimate (based on information obtained under Paragraph 7.6(b) of Appendix B1 for that Non-Walleye Lake System) of the harvest by Tribal members using other fishing methods. A Tribe seeking to authorize Fishing Effort in excess of the limitations set forth under Section IV of this Protocol shall provide written notice to the State and all other Tribes at least one year preceding the year in which the Fishing Effort is to occur.

## VI. BAG, POSSESSION, AND SIZE LIMITS AND SEASONS

The Tribes shall use bag, possession, and size limits and seasons to regulate their members' harvest of species of fish with Impoundment Gear or Long Seines in a Non-Walleye Lake System in accordance with Paragraph 11.3 of the Decree, including daily bag, possession, and minimum size limits for the harvest of trout, bass, northern pike, and muskellunge and daily bag and possession limits for the harvest of bluegill, sunfish, crappie, lake whitefish, and yellow perch.

## Appendix C

### NON-MEMBER ASSISTANCE

***General Principle 1.*** A Tribal member may engage in Hunting, Fishing, Trapping, or Gathering with any other person who is not a member of an 1836 Treaty Tribe, provided that the non-member possesses a license from, and complies with, the laws of the State of Michigan governing the subject activity.

***General Principle 2.*** No Tribal member may be assisted in carrying out a usufructuary activity by a person who is not a member of an 1836 Treaty Tribe, unless the non-member is the spouse, parent, grandparent, child, grandchild, or sibling of the Tribal member, and the Tribal member is physically present during the activity.

***General Principle 3.*** Permitted assistance by authorized non-members (as defined in General Principle 2) shall not include using a Spear or other gear to harvest fish, using a firearm or Bow, setting or placing traps or snares, uprooting a plant, or removing parts of plant from a plant left growing.

***General Principle 4.*** Any person may assist a Tribal member holding a Disabled Hunter's Permit, but shall not Hunt or carry a firearm or Bow unless authorized to do so by Tribal or Michigan law.

## Appendix D

### STATE SHOTGUN ZONE AS OF OCTOBER 2006

**The dividing line between the northern rifle deer hunting zone and the southern shotgun zone is as follows:** Starting at a point on the Lake Michigan shoreline directly west of M-46, then easterly to M-46, then easterly along M-46 to US-131 at Cedar Springs, southerly on US-131 to M-57, easterly on M-57 to Montcalm Road on the Kent-Montcalm county line, southerly on Montcalm Road and the Kent-Ionia county line to M-44, easterly on M-44 to M-66, northerly on M-66 to M-57, easterly on M-57 to M-52 near Chesaning, northerly on M-52 to M-46, easterly on M-46 to M-47, northerly on M-47 to US-10 west of Bay City, easterly on US-10 to I-75, northerly on I-75 and US-23 to Beaver Road (about 1 mile north of Kawkawlin), easterly to Saginaw Bay, north 50 degrees east to the International Boundary.

## Appendix E

### STREAMS DESIGNATED TYPES 5, 6 & 7 AS OF OCTOBER 2006

<u>County</u>	<u>Streams</u>
Alger .....	None
Alpena .....	None
Antrim .....	None
Benzie .....	None
Charlevoix .....	None
Cheboygan .....	None
Chippewa .....	None
Clare .....	None
Crawford .....	<b>AuSable Mainstream</b> , from Burton's Landing downstream to Wakeley Bridge, <b>Manistee River</b> , from M-72 downstream to CCC Bridge; <b>North Branch AuSable River</b> , from Sheep Ranch downstream to confluence with Mainstream, <b>South Branch AuSable River</b> , from Lower High Banks downstream to confluence with Mainstream, <b>South Branch AuSable River</b> , from Chase Bridge downstream to Lower High Banks.
Delta .....	<b>Escanaba River</b> , from Boney Falls Dam downstream to mouth of Silver Cr. (T40N, R23W, Sec. 11)
Emmet .....	None
Grand Traverse .....	None
Ionia .....	None
Isabella .....	None
Kalkaska .....	<b>Manistee River</b> , from M-72 downstream to CCC Bridge.
Kent .....	None
Lake .....	<b>Little Manistee River</b> , from Spencer's Bridge (T19N, R13W, Sec. 5) downstream to Johnson's Bridge (T20N, R14W, Sec. 24), <b>Pere Marquette River</b> , from M-37 downstream to Gleason's Landing (T17N, R13W, Sec. 18).
Leelanau .....	None

Luce .....	None
Mackinac .....	None
Manistee .....	None
Marquette.....	None
Mason .....	None
Mecosta.....	None
Missaukee .....	None
Montcalm.....	None
Montmorency .....	None
Muskegon .....	None
Newaygo.....	None
Oceana .....	None
Osceola .....	None
Oscoda.....	None
Otsego.....	None
Ottawa .....	None
Presque Isle.....	None
Roscommon .....	None
Schoolcraft.....	None
Wexford.....	None

## Appendix F

### LAKES DESIGNATED TYPE D AS OF OCTOBER 2006

<u>County</u>	<u>Lakes</u>
Alger .....	None
Alpena .....	None
Antrim .....	None
Benzie .....	None
Charlevoix .....	None
Cheboygan .....	<b>Twin Lake #1</b>
Chippewa .....	None
Clare .....	None
Crawford .....	None
Delta .....	None
Emmet .....	None
Grand Traverse .....	<b>Sand Lake #2</b>
Ionia .....	None
Isabella .....	None
Kalkaska .....	None
Kent .....	None
Lake .....	None
Leelanau .....	None
Luce .....	<b>Deer Lake, Moon Lake, Sid Lake</b>
Mackinac .....	None
Manistee .....	None
Marquette .....	<b>Keyhole Lake (East), S. Kidney Lake (T45N, R26W, Sec 28), Pauls Lake (North), Pauls Lake (South), Rockingchair Lake (North), Rockingchair Lake (South), Strawberry Lake</b>
Mason .....	None
Mecosta .....	None
Missaukee .....	None
Montcalm .....	None
Montmorency .....	None
Muskegon .....	None
Newaygo .....	None
Oceana .....	None
Osceola .....	None
Oscoda .....	None
Otsego .....	None
Ottawa .....	None
Presque Isle .....	None



Roscommon .....	None
Schoolcraft .....	<b>Dutch Fred Lake, Ned's Lake, Twilight Lake</b>
Wexford .....	None

## Appendix G

### NOTE 8 TO TABLE 2 OF THE 2006 MICHIGAN FISHING GUIDE (p. 10)

The following lakes are closed to spearing of northern pike and muskellunge, except that northern pike may be speared on waters as marked (\*) from Jan. 1 – end of February.

<u>County</u>	<u>Lakes</u>
Alger.....	None
Alpena .....	<b>Fletcher Floodwaters</b>
Antrim .....	None
Benzie.....	None
Charlevoix .....	None
Cheboygan.....	<b>Cornwall Impoundment</b>
Chippewa.....	<b>Caribou Lake</b>
Clare .....	<b>Budd Lake</b>
Crawford.....	None
Delta .....	<b>*Dana Lake</b>
Emmet .....	None
Grand Traverse.....	None
Ionia.....	None
Isabella.....	None
Kalkaska .....	None
Kent .....	<b>Campau Lake and Murray Lake</b>
Lake.....	None
Leelanau .....	None
Luce.....	None
Mackinac .....	<b>Brevoort Lake</b>
Manistee .....	None
Marquette.....	<b>Fish Lake</b>
Mason .....	None
Mecosta.....	None
Missaukee .....	None
Montcalm.....	None
Montmorency.....	<b>Fletcher Floodwaters and West Twin Lakes</b>
Muskegon .....	<b>Mona Lake</b>
Newaygo.....	None
Oceana .....	None
Osceola .....	None
Oscoda.....	None
Otsego.....	<b>Big Bear Lake and Otsego Lake</b>
Ottawa .....	<b>Lake Macatawa</b>

Presque Isle.....	None
Roscommon .....	None
Schoolcraft.....	<b>Big Bass Lake, Grassy Lake, and McKeever Lake</b>
Wexford.....	None

## Appendix H

### STATE FISHING REGULATIONS EXISTING AS OF OCTOBER 2006 APPLICABLE TO CERTAIN DESIGNATED QUALITY LAKES

Crawford County, Jones Lake: open season June 1 – Sept. 30, catch and release Fishing with artificial lures; live bait in possession is unlawful.

Crawford County, Wakeley Lake: open season June 15-Aug. 31, catch and release Fishing with artificial lures; live bait in possession is unlawful.

Montmorency County, North and South Blue Lakes and Robarge (Pike) Lake: open season is the last Saturday in April – Sept. 30, catch and release only, artificial lures only.

## Appendix I

### STREAMS DESIGNATED TYPES 1, 2, & 4 AS OF OCTOBER 2006

Except as otherwise noted, Type 1 Streams are not listed in this Appendix. A complete list of streams designated Type 1 as of October 2006 is being filed separately with the Court.

<u>County</u>	<u>Streams</u>
Alger.....	<b>Anna River</b> , from Railroad Bridge (T46N, R19W, Sec. 14) downstream to Lake Superior, <b>Au Train River</b> , from Powerhouse below M-94 downstream to Lake Superior, <b>Indian River</b> , from “Wide Waters” (T44N, R19W, Sec. 13) downstream to Indian Lake, <b>Laughing Whitefish River</b> , from Forks (T47N, R22W, Sec. 22) downstream to Lake Superior, <b>Miner’s River</b> , from Miner’s Falls downstream to Lake Superior, <b>Rock River</b> , from Railroad Bridge (T47N, R21W, Sec. 22) downstream to Lake Superior, <b>Sable Creek</b> , <b>Sucker River</b> , upstream limit is Old Grand Marais/Seney Road Bridge.
Alpena .....	<b>Devils River</b> , from U.S. 23 Bridge downstream to Lake Huron, <b>Long Lake Creek</b> , downstream limit is Lake Huron.
Antrim .....	<b>Elk River Bypass</b> , from Bypass Dam downstream to Lake Michigan, <b>Grass River (inc. Clam Lake and Clam River)</b> , from Lake Bellaire downstream to Torch Lake, <b>Intermediate River</b> , from Intermediate Dam downstream to Lake Bellaire, <b>Jordon River</b> , from Graves Crossing downstream to Lake Charlevoix, <b>Manistee River</b> , from Headwaters downstream to M-72.
Benzie.....	<b>Betsie River</b> , from Kurick Rd. downstream to M-22, <b>Platte River</b> , from US 31 East of Honor downstream to Lake Michigan.
Charlevoix .....	<b>Boyne River</b> , from P.H. Dam downstream to Lake Charlevoix, <b>Jordon River</b> , from Graves Crossing downstream to Lake Charlevoix.
Cheboygan.....	<b>Black River</b> , from Tin Shanty Bridge Road downstream to Tower Dam, <b>Maple River</b> , from Dam (T36N, R4W, Sec. 10) in Emmet County downstream to mouth, <b>Mill Creek</b> , <b>Pigeon River</b> , from Dam (T32N, R1W, Sec. 19) downstream to

	M-68 Bridge, <b>Pigeon River</b> , from M-68 Bridge downstream to mouth, <b>Sturgeon River</b> , from Afton Rd. (Also Called Webb Rd. or Wolverine Rd.) downstream to mouth.
Chippewa.....	<b>Albany Creek</b> , from bridge below lamprey weir to Lake Huron, <b>E. Br. Tahquamenon River</b> , downstream limit is North Hulbert Road (T46N, R07W, Sec. 9) Bridge, <b>Halfaday Creek</b> , from Lakeshore Drive downstream to Lake Superior, <b>Pendill's Creek</b> , from Second Dam (T47N, R4W, Sec. 28) downstream to Lake Superior.
Clare .....	None
Crawford.....	<b>AuSable River Mainstream</b> , from Grayling City Dam downstream to Burton's Landing, <b>AuSable River Mainstream</b> , from Wakeley Bridge downstream to Rainbow Bend Powerline (T26N, R2E, Sec 4), <b>Manistee River</b> , from Headwaters downstream to M-72.
Delta .....	<b>Bark River</b> , from 9 Road (Section Line Between T38N, R24W, Sec. 20 & 29) downstream to Lake Michigan, <b>Big Fishdam River</b> , from County Road 2222 Bridge (T41N, R18W, Sec. 9) downstream to Lake Michigan, <b>Days River</b> , from Highway M-35 Bridge downstream to Lake Michigan, <b>Escanaba River</b> , from the mouth of the W. Br. Escanaba R. (T43N, R25W, Sec. 3) downstream to Boney Falls Dam (T41N, R24W, Sec. 2), <b>Ford River</b> , from T43N, R27W, S. 35 (Dickenson County) downstream to L. Michigan, <b>Rapid River</b> , from County Road S-15 (T42N, R21W, Sec. 19) downstream to Lake Michigan, <b>Sturgeon River</b> , from County Road 442 Bridge (T42N, R20W, Sec. 13) downstream to Lake Michigan, <b>Tacoosh River</b> , from 29th Lane (County Road G-24) downstream to Lake Michigan, <b>Whitefish River</b> , from 38th Road (U.S.F.S. 2236) downstream to Lake Michigan.
Emmet .....	<b>Maple River</b> , from Dam T36N, R4W, Sec. 10, Emmet County downstream to mouth.
Grand Traverse.....	None
Ionia.....	<b>Dickerson Creek</b> , <b>Fish Creek</b> , from Sidney Rd. downstream to confluence with Maple River, <b>Prairie Creek</b> , <b>Sebewa Creek and Tributaries</b> .
Isabella.....	None
Kalkaska .....	<b>Manistee River</b> , from CCC Bridge (T26N, R6W, Sec 26) downstream to US 131, <b>Rapid River</b> , from Antrim (Rugg) Pond downstream to Torch River,

	<b>Torch River</b> , from Torch Lake downstream to Lake Skegemog.
Kent .....	<b>Ball Creek</b> , downstream limit is confluence with Rogue River, <b>Buck Creek</b> , downstream limit is confluence with Grand River, <b>Coldwater River</b> , from Freeport Rd. downstream to confluence with Thornapple River, <b>Nash Creek</b> , downstream limit is confluence with Rogue River, <b>Rogue River</b> , downstream limit is confluence with Grand River.
Lake .....	<b>Little Manistee River</b> , from Johnson's Bridge downstream to Manistee Lake, <b>Pere Marquette River</b> , from Gleason's Landing (T17N, R13W, Sec. 18) downstream to Indian Bridge (Reek Rd.), <b>Pine River</b> , From Elm Flats Public Access Site to confluence with Tippy Dam backwaters, <b>Baldwin River</b> (Type 1).
Leelanau .....	None
Luce .....	<b>Blind Sucker River</b> , upstream limit is Blind Sucker Flooding Dam, <b>E. Br. Fox River, including tributaries</b> , downstream limit is M-28, <b>Two-Hearted River</b> , upstream limit is Reed & Green Bridge.
Mackinac .....	<b>Black River</b> , upstream limit is Peters Truck Trail Footbridge, <b>Brevoort River</b> , upstream limit is Brevoort Lake, <b>Carp River</b> , mainstream only, <b>Crow River</b> , upstream limit is Outfall of Amadon Pond, <b>Milakokia River</b> , upstream limit is Inland-Limestone Co. Railroad Bridge (T41N, R13W, Sec 1), <b>Millecoquins River</b> , upper limit is H-40 Bridge, <b>Pine River</b> , from H-40 Bridge downstream to Lake Huron.
Manistee .....	<b>Betsie River</b> , from Kurick Rd. downstream to M-22, <b>Little Manistee River</b> , from Johnson's Bridge downstream to Manistee Lake, <b>Manistee River</b> , from Hodenpyl Res. downstream to Red Bridge, <b>Pine River</b> , from Elm Flats Public Access Site to confluence with Tippy Dam backwaters.
Marquette.....	<b>Big Garlic River</b> , from Forks (T49N, R27W, Sec. 12) downstream to Lake Superior, <b>Carp River</b> , from Deer Lake Dam (T48N, R27W, Sec. 27) downstream to Morgan Creek, <b>Dead River</b> , from Hoist Dam (T48N, R26W, Sec. 9) downstream to County Rd. 510 Bridge (T48N, R26W, Sec. 15), <b>Escanaba River</b> , from the mouth of the W. Br. Escanaba R. (T43N, R25W, Sec. 3) downstream to Boney Falls Dam (T41N, R24W, Sec. 2), <b>Ford</b>

	<b>River</b> , from T43N, R27W, S.33 (Dickinson County) downstream to L. Michigan, <b>Harlow Creek</b> , from Railroad Bridge (T49N, R26W, Sec. 24) downstream to Lake Superior, <b>Iron River</b> , from Lake Independence Dam to Lake Superior.
Mason .....	<b>Big S. Branch Pere Marquette River</b> , from confluence of Beaver/Winnepesaug Creeks downstream to confluence with Pere Marquette River, <b>Little Manistee River</b> , from Johnson's Bridge downstream to Manistee Lake, <b>Pere Marquette River</b> , from Gleason's Landing (T17N, R13W, Sec. 18) downstream to Indian Bridge (Reek Rd.), <b>Sable River</b> , from Freesoil Rd. (T20N, R15W, Sec. 21) downstream to Hamlin Lake.
Mecosta.....	<b>Little Muskegon River, Muskegon River</b> , from US-10 downstream to River Bend Bluffs Public Access site (T15N, R9W, S31).
Missaukee .....	<b>Clam River</b> , from Lachance Rd. (T22N, R8W, Sec. 21) downstream to Blue Rd (T22N, R8W, Sec. 27).
Montcalm.....	<b>Dickerson Creek.</b>
Montmorency.....	None
Muskegon .....	<b>White River</b> , from Hesperia Dam downstream to Lake Michigan.
Newaygo.....	<b>Big S. Branch Pere Marquette River</b> , from confluence of Beaver/Winnepesaug Creeks downstream to confluence with Pere Marquette River, <b>Little S. Br. Pere Marquette River</b> , from Carlson Bridge (16 Mile Rd.) downstream to Oxbow Bridge (Forman Rd.), <b>Muskegon River</b> , from Croton Dam downstream to Bridge Street (New Bridge T12N, R13W, S24) Garfield Twp., <b>Tamarack Creek, White River</b> , from Six Mile Rd. downstream to Baseline Rd.
Oceana .....	<b>North Branch Pentwater River</b> , from Oceana Dr. downstream to confluence with mainstream of Pentwater River, <b>North Branch White River</b> , from Arthur Rd. downstream to confluence with White River, <b>Pentwater River</b> , from Hart Dam downstream to confluence with Pentwater Lake.
Osceola .....	<b>Muskegon River</b> , from US-10 downstream to River Bend Bluffs Public Access Site (T15N, R9W, S31).
Oscoda .....	<b>AuSable River Mainstream</b> , from Wakeley Bridge downstream to Rainbow Bend powerline (T26N, R2E, Sec. 4), <b>AuSable River Mainstream</b> , from Mio Dam down to the Mio Powerline at (T26N,



	R3E, S. 7), <b>AuSable River Mainstream</b> , from McKinley Bridge downstream to 4001 Bridge).
Otsego.....	<b>Black River</b> , from Tin Shanty Bridge downstream to Tower Dam, <b>Manistee River</b> , from Headwaters downstream to M-72, <b>Pigeon River</b> , from Dam (T32N, R1W, Sec. 19) downstream to M-68 Bridge.
Ottawa .....	<b>Crockery Creek Mainstream Only</b> , from Moore Rd (T10N, R13W, Sec. 4) in Muskegon County downstream to confluence with Grand River (Ottawa County), <b>Sand Creek</b> .
Presque Isle.....	<b>Ocqueoc River</b> , from Barnhart Lake downstream to Lake Huron.
Roscommon .....	None
Schoolcraft.....	<b>Indian River</b> , from “Wide Waters” (T44N, R19W, Sec. 13) downstream to Indian Lake, <b>Manistique River</b> , upstream limit is Papermill Dam, <b>Thompson Creek (Type 1)</b> .
Wexford.....	<b>Manistee River</b> , from CCC Bridge downstream to US 131, <b>Manistee River</b> , from US 131 downstream to M-115, <b>Pine River</b> , from Elm Flats Public Access Site to confluence with Tippy Dam backwaters.

## Appendix J

### STATE REGULATIONS FOR HARVESTING MINNOWS OR OTHER BAIT FISH WITH THE USE OF SEINES AS OF OCTOBER 2006

Long Seines shall not be used for the harvesting of minnows and other bait fish. Short Seines shall not be used to take minnows from trout streams or from Big Glen L. or any of its tributaries for ½ mile above their mouths.

## Appendix K

### BIRDS NOT PROTECTED BY THE MIGRATORY BIRD TREATY ACT (16 U.S.C. §§ 703-712) AND MAMMALS THAT CANNOT LAWFULLY BE HARVESTED UNDER STATE LAW AS OF OCTOBER 2006

#### I. BIRDS

<u>Species</u>	<u>Game Species</u>
Gray Partridge, <i>Perdix perdix</i> [Accidental]	Yes
Spruce Grouse, <i>Falcipennis canadensis</i>	No
Sharp-tailed Grouse, <i>Tympanuchus phasianellus</i>	Yes
Greater Prairie-Chicken, <i>Tympanuchus cupido</i> [Extirpated, last recorded 1981]	No
Eurasian Jay, <i>Garrulus glandarius</i> [Accidental]	No
European Goldfinch, <i>Carduelis carduelis</i> [Casual]	No
Greenfinch, <i>Carduelis chloris</i> [Accidental]	No
Linnet, <i>Carduelis cannabina</i> [Accidental]	No
Eurasian Tree Sparrow, <i>Passer montanus</i> [Accidental]	No
Red-cheeked Cordonbleu, <i>Uraeginthus bengalus</i> [Accidental]	No

#### II. MAMMALS

<u>Species</u>	<u>Game Species</u>
Least Shrew, <i>Cryptotis parva</i>	No
Big Brown Bat, <i>Eptesicus fuscus</i>	No
Silver-haired Bat, <i>Lasionycteris noctivagans</i>	No
Red Bat, <i>Lasiurus borealis</i>	No
Hoary Bat, <i>Lasiurus cinereus</i>	No
Little Brown Bat / Little Brown Myotis, <i>Myotis lucifugus</i>	No
Northern Bat / Northern Myotis, <i>Myotis septentrionalis</i>	No
Indiana Bat / Indiana Myotis, <i>Myotis sodalis</i>	No
Evening Bat, <i>Nycticeius humeralis</i>	No
Eastern Pipistrelle, <i>Pipistrellus subflavus</i>	No
Cougar, <i>Felis concolor</i>	No
Canada Lynx, <i>Lynx canadensis</i>	No
Gray Wolf, <i>Canis lupus</i>	No
Wolverine, <i>Gulo gulo</i>	No
Moose, <i>Alces alces</i>	Yes
Prairie Vole, <i>Microtus ochrogaster</i>	No

## Appendix L

### INFORMATION SHARING AND CONSULTATION PROTOCOL

This Information Sharing and Consultation Protocol (“Protocol”) is adopted in accordance with the Decree, including, but not limited to, Paragraphs 23.1 and 23.2 thereof. Each term defined in the Decree shall have the meaning ascribed to such term in the Decree when used in this Protocol.

The provisions of this Protocol are intended to facilitate implementation of the Decree, but shall not relieve any Party of any obligation it has under the Decree. Further, nothing in this Protocol shall preclude consultation or information sharing among the Parties in addition to the consultation and information sharing provided for herein.

In the event of any inconsistency between the provisions of the Decree and the provisions of this Protocol, the provisions of the Decree shall be controlling.

The Parties shall review the terms of this Protocol every five years, and may modify it at any time by mutual agreement.

#### I. EXECUTIVE COUNCIL

1.1 The Parties hereby establish the Executive Council to facilitate consultation and exchange of information among the Parties under the Decree.

1.2 The Executive Council shall consist of the chairpersons of the Tribes, the Director of MDNR, and the Secretary of the Interior, or their duly authorized representatives.

1.3 The Executive Council shall meet and confer as necessary, but in no event less than annually, to review the status of inland resources, the implementation of the Inland Consent Decree, and any matters appropriate for consideration by the Parties at the policy level.

1.4 The Executive Council shall provide a forum for policy-level discussions, but shall not have any decision-making authority unless otherwise expressly agreed by all of the Parties.

## II. CONSULTATION REGARDING CREATION OR EXPANSION OF CERTAIN SPECIAL USE AREAS

2.1 The State shall notify the Tribes and the United States in writing as soon as possible of any proposal made or undergoing substantive review by the State to create a new or expand an existing State park, wildlife refuge, formally designated wildlife research area or formally designated fisheries research area in the 1836 Ceded Territory, and in any event shall notify the Tribes and the United States at least 90 days before approving any such proposal.

2.2 Upon the written request of any Tribe, the State shall respond in writing to any questions the Tribes may have regarding the proposal. Further, within 30 days of receiving notice from the State under Paragraph 2.1 of this Protocol, any Tribe may request a meeting with the State in order to discuss the proposal and its effects on the exercise of the Tribes' rights under the Decree. The meeting shall take place within 30 days of the date of the Tribe's request for a meeting under this Paragraph 2.2. Upon the request of any Tribe, the MDNR Director, or his or her authorized representative, shall attend the meeting. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 2.2.

2.3 The notices required under Paragraphs 2.1 and 2.2 of this Protocol shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

## III. FISH BEING TARGETED FOR ERADICATION OR REDUCTION

3.1 The State shall notify the Tribes and the United States in writing of any plans to target any species or stock of fish from a particular water body for eradication or reduction under

Section VIII (Disease Control) or Paragraph 11.2(a) of the Decree, provided that nothing in this Paragraph shall be construed to require the State to provide notice to the Tribes and the United States of an emergency eradication or reduction of fish from a particular water body. When required, such notice of eradication or reduction plans may be provided through the transmission of work plans by May 1 of each year or by other means so long as the notice is provided at least 90 days notice before such eradication or reduction plans are carried out. The State shall also notify the Tribes and the United States of any plans to rescind a plan to target any species or stock of fish from a particular water body for eradication or reduction under Section VIII (Disease Control) or Paragraph 11.2(a) of the Decree. The notices required by this Paragraph shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

3.2 The Tribes shall notify the State and the United States in writing at least 45 days in advance if they intend to authorize their members to commercially harvest fish identified in a notice provided under Paragraph 3.1 of this Protocol and/or to use impoundment nets or gill nets to harvest such fish. The notices required under this Paragraph shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

3.3 If one or more Tribes notify the State that they intend to authorize their members to commercially harvest fish identified in a notice provided under Paragraph 3.1 of this Protocol, the State and the affected Tribes shall develop a mutually agreeable mechanism to assure that the harvested fish are from the particular water body identified in the notice in the period before the Tribal authorization becomes effective. In the event of a disagreement regarding such a mechanism, and upon the request of any Tribe, the MDNR Director or his or her authorized

representative shall consult with the Tribes in effort to resolve such disagreement. The Tribes may request the assistance of the United States in the development of such a mechanism and in any discussions with the State under this Paragraph 3.3.

#### IV. EMERGENCY PROHIBITIONS OF COHO HARVESTS IN THE PLATTE RIVER

4.1 The State shall inform the Tribes as soon as possible of an impending emergency regulation prohibiting harvests of Coho salmon in portions of the Platte River and shall provide written notice to the Tribes and the United States in the event it adopts such an emergency regulation in accordance with Paragraph 10.3 of the Decree, and shall document the basis for such emergency regulation. The notice required under this Paragraph shall be sent via facsimile and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

4.2 Upon receipt of a notice provided under Paragraph 4.1 of this Protocol, the Tribes shall adopt an emergency regulation prohibiting harvests of Coho salmon in portions of the Platte River in accordance with Paragraph 10.3 of the Decree on the next business day or as soon thereafter as practicable, but in any event within three business days of receipt of such notice.

4.3 The State shall notify the Tribes and the United States if it rescinds its prohibition or if sufficient egg collection is assured for the year, whichever occurs first, as provided in Paragraph 10.3 of the Decree. The notice required by this Paragraph shall be delivered to the Tribes and the United States within 24 hours of such rescission or assurance, and shall be sent via facsimile and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

## V. TRIBAL CHINOOK HARVESTS IN PORTIONS OF THE LITTLE MANISTEE RIVER

5.1 On or before June 30 of each year, the State shall notify the Tribes and the United States in writing of the number of Chinook salmon returning to the Little Manistee River weir in the preceding year. The notice required under this Paragraph shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

5.2 On or before July 31 of each year, the State and the Tribes shall confer regarding the seasonal and weekly harvest limits prescribed in subparagraph 10.3(b) of the Decree for the current year, and seek to resolve any disagreement with respect thereto. In the event they are unable to resolve any such disagreement, the MDNR Director and the Little River Band's Natural Resources Director or their authorized representatives, as well as representatives from other interested Tribes, shall confer in an effort to resolve the disagreement. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 5.2.

5.3 The State shall send the notices required by Subparagraphs 10.3(b) and 10.3(c) of this Protocol within 24 hours of meeting its egg-take quota for the year via facsimile and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

5.4 If the State seeks to prohibit the harvest of Chinook salmon by Tribal members in portions of the Little Manistee River in a particular year under Subparagraph 10.3(d) of the Decree, it shall provide written notice to the Tribes and the United States that it intends to prohibit the harvest of Chinook salmon by State-licensed fishers and document the basis for its concern that adequate egg collection is threatened in that year. The notices required by this



Paragraph shall be sent via facsimile and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol. Upon the request of any Tribe, the State and the Tribes shall meet as soon as practicable, and in any event within one week of the date of receipt of such notice, to discuss the need for such a prohibition. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 5.4.

5.5 The five-year review provided for in Subparagraph 10.3(e) of the Decree shall take place at or in conjunction with a meeting of the Executive Council. The State and the Tribes shall notify each other and the United States in writing of any questions or concerns they have regarding the harvest estimation methodology, harvest limits, and weekly harvest distributions described in Subparagraph 10.3(b) of the Decree or their impacts on harvest opportunities for Tribal members or egg collection at least 90 days in advance of the designated meeting, and shall respond in writing to any such questions and provide a copy of any such response to the United States at least 30 days in advance of the meeting. The notices and responses required by this Paragraph shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 5.5.

## VI. LONG-TERM EGG COLLECTION FOR CHINOOK SALMON

6.1 The State and the Tribes shall notify each other and the United States in writing if they have concerns regarding adequate egg collection for Chinook salmon to provide for future statewide fish runs and adequate harvest levels for all users over the long-term. The notices required by this Paragraph shall identify the basis for the concerns and possible solutions, and

shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

6.2 Upon receipt of a notice under Paragraph 6.1 of this Protocol, the State and the Tribes shall meet and confer in a timely manner about appropriate adjustments to State and Tribal harvests in Waters in which fish destined for the State's egg-collection facilities are harvested. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 6.2.

## VII. SPECIAL FISHING DESIGNATIONS AND REGULATIONS

7.1 The State shall notify the Tribes and the United States in writing as soon as possible of any proposal: (a) to designate additional trout streams as Types 5, 6 or 7; (b) to designate additional Type D lakes; (c) to adopt additional restrictions on spearing of northern pike or muskellunge; or (d) to designate additional quality lakes under Paragraphs 10.4, 10.5, 10.6 or 10.7 of the Decree, and in any event shall notify the Tribes and the United States at least 90 days before approving any such proposal. The notices required under this Paragraph shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

7.2 Upon the request of any Tribe, the State shall respond in writing to any questions the Tribes may have regarding the proposal, and shall meet with the Tribes upon request of any Tribe to discuss the proposal and its effects on the exercise of the Tribes' rights under the Decree. The meeting shall take place within 60 days of the date of the notice provided to the Tribes and the United States under Paragraph 7.1 of this Protocol. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 7.2.

7.3 If the State adopts any such proposal, the Tribes shall consider adopting regulations that are no less restrictive than those adopted by the State in accordance with Paragraphs 10.4, 10.5, 10.6 and 10.7 of the Decree.

#### VIII. TRIBAL NOTICE OF CERTAIN FISHING ACTIVITIES

The Tribes shall provide the notices of Fishing activities required by Subparagraphs 10.9(e) (certain walleye harvests in bays de Noc tributaries), 11.7(g) (certain steelhead harvests in Protected Streams) and 12.5 (certain uses of Spears or Impoundment Nets) of the Decree to the State by electronic mail or other mutually agreeable methods to the persons and addresses identified in Section XVIII (Notices) of this Protocol, within the time frames specified in the Decree.

#### IX. TRIBAL WALLEYE HARVESTS IN TRIBUTARIES TO THE BAYS DE NOC

9.1 The Tribes shall provide the final harvest reports required by Subparagraph 10.9(f) of the Decree to the State by first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

9.2 The Tribes and the State shall notify each other and the United States by July 1 of the year preceding the year in which the harvest is to occur if they believe an estimate of abundance of adult walleye in a tributary subject to Subparagraph 10.9(g) of the Decree suggests that Tribal members may harvest walleye using Hook-and-Line Gear outside State seasons or Spears on such tributary. The notices required by this Paragraph shall explain the basis for the estimate of abundance and any proposal for such harvests and shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

9.3 Upon request of the State or any Tribe, the State and Tribes shall meet to discuss whether to implement the proposed harvest. The meeting shall take place before December 1 of the year in which the notice was provided under Paragraph 9.2 of this Protocol. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 9.3.

9.4 The fifteen-year review provided for in Subparagraph 10.9(h) of the Decree shall take place at or in conjunction with a meeting of the Executive Council or at such other time that is convenient for the State and the Tribes. The State and the Tribes shall notify each other and the United States in writing of any questions or concerns they have regarding walleye abundance in tributaries to the bays de Noc, the adequacy of Tribal harvest opportunities, and other relevant factors at least 120 days in advance of the designated meeting, and shall respond in writing to any such questions at least 30 days in advance of the meeting. The notices and responses required under this Paragraph shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

## X. STEELHEAD

The annual review and consultation required by Subparagraph 11.7(i) of the Decree shall take place at or in conjunction with the annual meeting of the Executive Council or at such other time that is convenient for the State and the Tribes. The State and the Tribes shall notify each other and the United States in writing of the results of the periodic peer review required under Subparagraph 11.7(b) of the Decree, additional information obtained through research or assessment by the State or the Tribes regarding smolt production and/or abundance of adult steelhead within any stream, the effects of downstream (including Great Lakes) harvests or post-spawning harvest, or any other relevant scientific information relevant to steelhead, at least 60

days before the meeting. The notices required under this Paragraph shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

## XI. ELK AND BEAR HARVESTS

11.1 By May 30 of each year, the State shall notify the Tribes and the United States of the numbers and geographic distribution of either-sex and cow-only elk permits it intends to issue in the coming year. The notices shall be sent via facsimile and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

11.2 Within 30 days of receipt of the notices required by Paragraph 11.1 of this Protocol, the Tribes shall notify the State and the United States of the number and geographical distribution of either-sex and cow-only elk permits they intend to issue in the coming year. The notices required under this Paragraph shall be sent via facsimile and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

11.3 If the State has concerns about the geographic distribution of Tribal elk permits, the State and the Tribes shall consult to resolve such concerns in order to ensure that the geographic distribution of the permits is consistent with the State's management objectives, as provided in Paragraph 17.2 of the Decree. Upon the request of any Tribe, the MDNR Director or his or her authorized representative shall meet with Tribal representatives to seek to resolve such concerns. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 11.3.

11.4 On or before January 1 of each year, the State and the Tribes shall meet to discuss appropriate bear management within the 1836 Ceded Territory, including harvest levels and the geographic distribution of the harvest for the upcoming year, and shall make best efforts to

achieve a consensus regarding such levels and distribution as provided in Paragraph 17.2 of the Decree. Upon request of any Tribe, the State shall provide a written summary of the basis for its management strategy to the Tribes and the United States at least 30 days in advance of such meeting. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 11.4.

## XII. LAKE STURGEON

12.1 The State and the Tribes shall discuss strategies for rehabilitating lake sturgeon populations at the meeting provided for in Paragraph 15.2 of this Protocol. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 12.1.

12.2 If the State or any Tribe believes that lake sturgeon recovery allows for harvest of a lake sturgeon population in the 1836 Ceded Territory, it shall notify all other Parties of the basis for its position and propose a regulation and/or allocation to allow for such harvest. The notices required by this Paragraph shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notice) of this Protocol.

12.3 Upon the request of the State or any Tribe, the State and the Tribes shall meet within 30 days of receipt of a notice provided under Paragraph 12.2 of this Protocol to discuss whether the lake sturgeon population identified in the notice can withstand harvest and, if so, an appropriate regulation and/or allocation to allow for such harvest. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 12.3.

## XIII. EMERGENCY CLOSURES

13.1 The State and the Tribes shall notify each other and the United States in writing as soon as practicable when concerns arise regarding the need for emergency closures of Harvesting

Activities under Paragraph 10.8 of the Decree. The notices required by this Paragraph shall identify with specificity the biological or public health or safety concerns giving rise to a need for an emergency closure and the extent of the proposed closure, provide appropriate supporting documentation, and be sent via facsimile and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

13.2 Upon receipt of a notice provided under Paragraph 13.1 of this Protocol, the State and the Tribes shall meet as soon as practicable to consult regarding the need for such closures. Upon the request of any Tribe, the MDNR Director or his or her authorized representative shall attend the meeting. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 13.2.

#### XIV. USE OF STATE LANDS

14.1 The Tribes and the State shall meet within 90 days of entry of the Decree to discuss and determine the location of those State lands that are suitable for each of the following activities by Tribal members: (a) collection of maple sap and production of maple sap and sugar; (b) firewood collection; (c) conifer bough collection; (d) collection of black ash, basswood and ironwood; and (e) collection of white birch bark.

14.2 The State lands designated for each of the activities listed in Paragraph 14.1 of this Protocol shall be reviewed by the Tribes and the State at least every five (5) years to determine whether such lands continue to be suitable for the activity.

14.3 On or before February 1 of each year, the Tribes and the State shall meet to determine: (a) for sugar bush activities involving more than 12 trees on State lands, the number of Tribal permits to be available, the number of trees and trees per acre that may be tapped, and the number of temporary structures that may be erected; (b) the number of Tribal permits

available for harvest of black ash, basswood, or ironwood on State lands, whether separate permits are required for each species, and the total number of trees and trees per acre that may be harvested by Tribal permittees on State lands; (c) the number of Tribal permits available for the harvest of white birch bark on State lands, and the total number of trees and trees per acre that may be harvested by Tribal permittees on State lands; and (d) the impact of white birch bark collection on State lands to the resource and the need to revise collection restrictions on State lands.

14.4. The Tribes shall conduct the meetings and discussions required by Paragraphs 14.1 through 14.3 of this Protocol with the local office of the MDNR with management responsibility for the State lands at issue. If the Tribes and the local office of the MDNR are unable to reach agreement on the matters under discussion, the MDNR Director or his or her authorized representative shall consult with the Tribes in an effort to resolve the matter. The Tribes may request the assistance of the United States in the meetings and discussions required under Paragraphs 14.1 through 14.3 of this Protocol or in any consultations under this Paragraph 14.4.

14.5 The State shall notify the Tribes and the United States in writing as soon as possible of any proposal to permanently close an approved access road or trail, and in any event shall notify the Tribes and the United States at least 90 days before approving any such proposal. The notices required under this Paragraph shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol. Upon the request of any Tribe, the State shall respond in writing to any questions the Tribes may have regarding the proposal, and shall meet with the Tribes to discuss the proposal, its effects on the exercise of the Tribes' rights under the Decree, and possible alternatives to the proposal. The meeting shall take



place within 60 days of the date of the notice provided to the Tribes and the United States under this Paragraph. Upon the request of any Tribe, the MDNR Director or his or her authorized representative shall attend the meeting. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph. In the event that the State establishes a program for seasonal closures of approved access roads or trails, the State shall notify the Tribes and the United States of any proposed seasonal closures and consult with the Tribes regarding such proposals in accordance with the provisions of this Paragraph 14.5.

14.6 A Tribe shall consult with the local MDNR forest manager before issuing a permit to construct a temporary structure on State Forest land if the structure is larger than 100 square feet. The Tribe shall consider the concerns of the local MDNR forest manager, and make such revisions to the proposed temporary structure permit as are needed to address the expressed concerns. The Tribe shall not issue such a permit without the concurrence of the local MDNR forest manager. However, if the Tribe and the local MDNR forest manager are unable to reach agreement regarding the permit, upon request of the Tribe the MDNR Director or his or her authorized representative shall consult with the Tribe in an effort to resolve the matter.

#### XV. INFORMATION SHARING AND CONSULTATION REGARDING ASSESSMENT, RESTORATION, RECLAMATION, AND ENHANCEMENT ACTIVITIES

15.1 On or before April 1 each year and at other times as necessary, the State and the Tribes shall notify each other and the United States in writing of new proposals for assessment, restoration, reclamation, and enhancement activities relating to wildlife and plant resources in the inland portion of the 1836 Ceded Territory for the 12-month period starting October 1 of such year. On or before March 1 each year and at other times as necessary, the State and the Tribes shall notify each other and the United States in writing of new proposals for assessment, restoration, reclamation, and enhancement activities relating to fisheries resources in the inland

portion of the 1836 Ceded Territory for the 12-month period starting April 1 of such year. The notices required under this Paragraph shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

15.2 Within 60 days of receipt of the notices required under Paragraph 15.1 of this Protocol, the State and the Tribes shall meet to review new proposals for State and Tribal assessment, restoration, reclamation, and enhancement activities in order to minimize or avoid duplication of effort and to prevent interference with such activities. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 15.2.

15.3 If the State intends to object to a Tribal proposal for an assessment, restoration, reclamation, or enhancement activity under Section XXI (Assessment Activities) or Section XXII (Restoration, Reclamation, and Enhancement Projects) of the Decree, it shall notify the affected Tribe or Tribes and the United States of its objection at least two weeks in advance of the meeting provided for in Paragraph 15.2 above, and the MDNR Director or his or her authorized representative shall either attend the meeting or consult with the affected Tribe or Tribes regarding the objection thereafter. The affected Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 15.3.

15.4 In the event of a change in the State's or the Tribes' assessment plans after the meeting provided for in Paragraph 15.2, the State and the Tribes shall notify each other of such changes as soon as practicable but no later than 24 hours before conducting the changed activity. The notices required under this Paragraph shall be sent via facsimile and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

## XVI. INFORMATION SHARING AND CONSULTATION REGARDING NATURAL RESOURCES, HARVEST DATA, AND HARVEST REGULATIONS

16.1 Unless otherwise provided in the Decree, the State and the Tribes shall exchange and provide to the United States in writing the following information pertaining to the inland portion of the 1836 Ceded Territory at least 60 days before the annual meeting of the Executive Council: (a) the results of assessment activities; (b) a summary of State and Tribal permits issued and harvest and effort data; (c) a summary of any other data and a copy of any reports regarding the condition of the resources; and (d) proposals for regulatory changes (including proposed changes in management units or methodologies for determining the allowable harvest of any species, and proposals to authorize harvests of species that could not lawfully be harvested under State law as of October 2006). In addition, upon request of the State or any Tribe, the State and the Tribes shall provide the information required in Paragraph 23.4 of the Decree regarding any existing regulation, management unit, or allowable harvest methodology. The foregoing information shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

16.2 At or in conjunction with the annual meeting of the Executive Council, the State and the Tribes shall meet and consult regarding the information exchanged under Paragraph 16.1 of this Protocol. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 16.2.

16.3 If the State intends to object to a Tribal proposal for a regulatory change under Paragraph 26.2 of the Decree or a Tribe's refusal to make a regulatory change requested by the State under Paragraph 26.3 of the Decree, it shall notify the affected Tribe or Tribes and the United States of the basis for its objection at least 14 days in advance of the meeting provided for

in Paragraph 16.2 of this Protocol, and the MDNR Director or his or her authorized representative shall attend the meeting.

16.4 A Party producing data or reports under Paragraph 16.1 of this Protocol shall retain ownership of such data and reports and no other Party shall publish or otherwise disseminate such data or reports without the prior written approval of the producing Party, except as required by law or as necessary in connection with the resolution of a dispute under the Decree, *provided* that if the producing Party makes such data or reports available to the public, the other Parties may use such data or reports in a manner consistent with applicable copyright protections.

#### XVII. WILDLIFE SPECIES FOR WHICH THE STATE DOES NOT CURRENTLY PERMIT HUNTING

17.1 If a Tribe desires to authorize its members to harvest a wildlife species that cannot lawfully be harvested under State law as of October 2006, the Tribe shall notify the State, the other Tribes, and the United States of its desire to do so in accordance with Section XXV (Wildlife Species for Which the State Currently Does Not Permit Hunting) of the Decree. The notice shall set forth the bases for the Tribe's belief that the species is biologically capable of withstanding harvest, the Tribe's proposed harvest regulations for the species, and, if the species is a game species under Michigan law as of October 2006, the Tribe's interest in harvesting the species and shall include appropriate supporting documentation. The notices required under this Paragraph shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

17.2 The State shall respond in writing to a notice provided under Paragraph 17.1 of this Protocol within 60 days of receipt of the notice and shall provide a copy of its response to all of the Tribes and the United States. If the State intends to object to the Tribe's proposal to

authorize harvest of the species or the Tribe's proposed harvest regulations, the State shall set forth the bases for its objection and any proposed alternative harvest regulations for the species in its response and shall include appropriate supporting documentation. The State's response shall be sent via first class and electronic mail to the persons and addresses identified in Section XVIII (Notices) of this Protocol.

17.3 Upon request, the State and the Tribes shall meet within 60 days after the Tribes receive the State's response to discuss the Tribes' proposal and the State's response, and the State and the Tribes shall make best efforts to reach consensus regarding the Tribe's proposed harvest. The Tribes may request the assistance of the United States in any discussions with the State under this Paragraph 17.3.

#### XVIII. NOTICES

18.1 Unless changed in accordance with Paragraph 18.2 of this Protocol, the notices required by this Protocol shall be provided to the following persons and addresses:

Bay Mills Indian Community:

All notices shall be sent to:

President, Executive Council  
Bay Mills Indian Community  
12140 W. Lakeshore Dr.  
Brimley, MI 49715  
phone: (906) 248 3241  
fax: (906) 248 3283

Tribal Attorney  
Bay Mills Indian Community  
12140 W. Lakeshore Dr.  
Brimley, MI 49715  
phone: (906) 248 3241  
fax: (906) 248 3283

Biological Services Director  
Great Lakes Indian Fish & Wildlife Commission

P.O. Box 9  
Odanah, WI 54861  
phone: (715) 682 6619  
fax: (715) 682 9294

Grand Traverse Band of Ottawa and Chippewa Indians:

All notices shall be sent to:

Tribal Chair  
Grand Traverse Band of Ottawa and Chippewa Indians  
2605 N. West Bay Shore Drive  
Peshawbestown, MI 49682  
phone: (231) 534-7750  
fax: (231) 534-7010

Natural Resources Department  
Grand Traverse Band of Ottawa and Chippewa Indians  
2605 N. West Bay Shore Drive  
Peshawbestown, MI 49682  
phone: (231) 534-7500  
fax: (231) 534-7576

Legal Department  
Grand Traverse Band of Ottawa and Chippewa Indians  
2605 N. West Bay Shore Drive  
Peshawbestown, MI 49682  
phone: (231) 534-7610  
fax: (231) 534-7600

William Rastetter  
Of Counsel to Olson, Bzdok & Howard, P.C.  
420 East Front Street  
Traverse City, MI 49686  
phone: (231) 946-0044  
fax: (231) 946-4807

Little River Band of Ottawa Indians:

All notices shall be sent to:

Director, Natural Resources Department  
Little River Band of Ottawa Indians  
159 Brick Yard Rd.  
Manistee, MI 49660  
phone: (231) 398 2183

fax: (231) 398 8873

Senior Inland Fish Biologist  
Little River Band of Ottawa Indians  
159 Brick Yard Rd.  
Manistee, MI 49660  
phone: (231) 398 2193  
fax: (231) 398 8873

Senior Wildlife Biologist  
Little River Band of Ottawa Indians  
159 Brick Yard Rd.  
Manistee, MI 49660  
phone: (231) 398 2187; (231) 398 2188  
fax: (231) 398 8873

Little Traverse Bay Bands of Odawa Indians:

All notices should be sent to:

Tribal Chairperson  
7500 Odawa Circle  
Harbor Springs, MI 49740  
phone: (231) 242 1402  
fax: (231) 242 1412

LTBB Natural Resources Director  
7845 Odawa Circle  
Harbor Springs, MI 49740  
phone: (231) 242 1678  
fax: (231) 242 1690

LTBB General Counsel  
7500 Odawa Circle  
Harbor Springs, MI 49740  
phone: (231) 242 1405  
fax: (231) 242 1415

Sault Ste. Marie Tribe of Chippewa Indians:

All notices shall be sent to:

Tribal Chairperson

523 Ashmun Street  
Sault Ste. Marie, MI 49783  
phone: (906) 635 6050  
fax: (906) 632 6587

Conservation Committee Chairperson  
523 Ashmun Street  
Sault Ste. Marie, MI 49783  
phone: (906) 635 6050  
fax: (906) 632 6587

General Counsel  
523 Ashmun Street  
Sault Ste. Marie, MI 49783  
phone: (906) 635 6050  
fax: (906) 632 6587

State of Michigan:

All Notices shall be sent to the Director of the MDNR; the appropriate MDNR Division Chief; and the Department of Attorney General, Division Chief of the Environment, Natural Resources, and Agriculture Division.

MDNR Director  
Mason Building – 6th Floor  
P.O. Box 30028  
Lansing, MI 48909  
Phone: (517) 335-4873  
Telefax: (517) 335-4242

Chief of MDNR Fisheries Division  
Mason Building – 8<sup>th</sup> Floor  
P.O. Box 30446  
Lansing, MI 48909  
Phone: (517) 373-3375  
Telefax: (517) 373-0381

Chief of MDNR Wildlife Division  
Mason Building – 4<sup>th</sup> Floor  
P.O. Box 30444  
Lansing, MI 48909  
Phone: (517) 373-9311  
Telefax: (517) 373-6705



Chief of MDNR Law Enforcement Division  
Mason Building – 4<sup>th</sup> Floor  
P.O. Box 30031  
Lansing, MI 48909  
Phone: (517) 335-3427  
Telefax: (517) 373-6816

Chief of MDNR Forest, Mineral, and Fire Management Division  
Mason Building – 5<sup>th</sup> Floor  
P.O. Box 30452  
Lansing, MI 48909  
Phone: (517) 372-1246  
Telefax: (517) 373-2443

Chief of MDNR Parks and Recreation Division  
Mason Building – 3<sup>rd</sup> Floor  
P.O. Box 30257  
Lansing, MI 48909  
Phone: (517) 335-4827  
Telefax: (517) 373-4625

Michigan Department of Attorney General  
Division Chief - Environment, Natural Resources, and Agriculture Division  
(ENRA Division)  
G. Mennen Williams Building – 6<sup>th</sup> Floor  
P.O. Box 30755  
Lansing, MI 48909  
Phone: (517) 373-3540  
Telefax: (517) 373-1610

United States:

All notices shall be sent to:

Secretary of the Interior  
1849 C Street NW  
MS 6100  
Washington, D.C. 20240

Regional Director  
U.S. Fish and Wildlife Service, Region 3  
Bishop Henry Whipple Federal Building  
1 Federal Drive  
Fort Snelling, MN 55111

Regional Director  
Bureau of Indian Affairs, Midwest Regional Office  
Bishop Henry Whipple Federal Building, Room 550  
1 Federal Drive  
Fort Snelling, MN 55111

Field Solicitor  
Office of the Solicitor  
Bishop Henry Whipple Federal Building, Room 686  
Fort Snelling, MN 55111

18.2 The Parties shall exchange and update email addresses for each person identified in this Section XVIII (Notices). Any Party may change the persons through or addresses at which it is to receive notices under this Protocol by notifying all other Parties in writing of the change. A notice under this Paragraph 18.2 shall be sent via first class and electronic mail to the persons and addresses identified under this Section XVIII (Notices).

## Appendix M

### AGREEMENT AMONG THE PARTIES AND PROPOSED INTERVENORS

The Parties' agreement in principle set forth the following agreement among the Parties and the Michigan Fisheries Resource Conservation Coalition ("MFRCC"), Stuart Cheney, Robert Andrus and the Walloon Lake Trust and Conservancy relating to intervention motions:

“MFRCC, the Walloon Lake Trust and Conservancy, Stuart Cheney and Robert Andrus (“Proposed Intervenors”) previously have sought and been denied intervention in this case and presently have an appeal pending in the Court of Appeals for the Sixth Circuit from the denial of their most recent motion to intervene. The United States and the Tribes have opposed Proposed Intervenors’ motions to intervene; the State has not. In furtherance of a settlement on the terms and conditions set forth in this Agreement: (1) the Proposed Intervenors agree to voluntarily dismiss their pending appeal pursuant to Fed. R. App. P. 42(b), with the Parties to bear their own costs and attorneys fees, and not to file a new motion to intervene at this time; and (2) the Parties agree that if, in the future, the Proposed Intervenors file a new motion to intervene, the Parties will not claim that they have been prejudiced by, or that such a future motion is untimely because of, the Proposed Intervenors’ withdrawal of their pending appeal or their failure to file a new motion to intervene at this time. Nothing herein shall preclude any party from opposing such a future motion to intervene on any other grounds.”